

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN WILEY & SONS, INC.,
CENGAGE LEARNING, INC., and
PEARSON EDUCATION, INC.,

Plaintiffs,

v.

BOOK DOG BOOKS, LLC and
PHILIP SMYRES,

Defendants.

Case No. 1:13-cv-00816 (WHP) (GWG)

Judge William H. Pauley III

Magistrate Judge Gabriel W. Gorenstein

**PLAINTIFFS' NOTICE OF MOTION FOR
SANCTIONS FOR SPOILIATION**

Pursuant to leave granted by the Court at the October 10, 2014 Interim Pretrial Conference before Magistrate Judge Gorenstein (*See* Minute Entry on 10/10/14), Plaintiffs John Wiley & Sons, Inc., Cengage Learning, Inc., and Pearson Education, Inc. hereby move this Court for Sanctions against Defendants, Book Dog Books, LLC and Philip Smyres, for the spoliation of relevant evidence in this case. In support thereof, Plaintiffs submit the accompanying Memorandum in Support and the Declaration of Julie C. Chen.

Dated: October 31, 2014

Respectfully submitted,

OPPENHEIM + ZEBRAK, LLP

By: /s/ Matthew J. Oppenheim
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on today's date I caused a copy of the foregoing, Plaintiffs' Motion for Sanctions for Spoliation, along with its accompanying Memorandum in Support, Declaration, and Exhibits to the Declaration, to be served via email on the following counsel of record:

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Dated: October 31, 2014

/s/ Susan T. Seutter
Susan T. Seutter